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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

LOUIS AND SILVIA MARTINEZ, on
 behalf of themselves and all other similarly
 situated,

Plaintiffs,

vs.

FIDELITY NATIONAL FINANCIAL,
 INC., FIDELITY NATIONAL TITLE
 INSURANCE COMPANY, TICOR TITLE
 INSURANCE COMPANY, TICOR TITLE
 INSURANCE COMPANY OF FLORIDA,
 CHICAGO TITLE INSURANCE
 COMPANY, NATIONAL TITLE
 INSURANCE OF NEW YORK, INC.,
 SECURITY UNION TITLE INSURANCE
 COMPANY, THE FIRST AMERICAN
 CORPORATION, FIRST AMERICAN
 TITLE INSURANCE COMPANY,
 UNITED GENERAL TITLE INSURANCE
 COMPANY, LANDAMERICA
 FINANCIAL GROUP, INC.,
 COMMONWEALTH LAND TITLE
 INSURANCE COMPANY, LAWYERS
 TITLE INSURANCE CORPORATION,
 TRANSNATION TITLE INSURANCE
 COMPANY, STEWART TITLE
 GUARANTY COMPANY and STEWART
 TITLE INSURANCE COMPANY

Defendants.

Case No.: 08-cv-00499-L-WMC

NOTICE OF PLAINTIFFS' UNOPPOSED
 MOTION AND MOTION TO TRANSFER
 VENUE

SPECIAL BRIEFING SCHEDULE
 ORDERED

ORAL ARGUMENT NOT REQUIRED

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiffs Louis and Silvia Martinez ("Plaintiffs") will,
3 and hereby move the Court for an Order to Transfer Venue to the Northern District of
4 California.

5 This motion is based upon this Notice of Plaintiffs' Unopposed Motion and Motion to
6 Transfer Venue, the Memorandum of Points and Authorities in support thereof, the Declaration
7 of John L. Haeussler in Support of Unopposed Motion to Transfer Venue and any supplemental
8 memorandum filed by counsel and oral argument made by counsel in connection herewith.

9
10 DATED: August 11, 2008

Respectfully submitted,

11 BARRACK, RODOS & BACINE
12 STEPHEN R. BASSER
13 JOHN L. HAEUSSLER

14 /s/ John L. Haeussler
JOHN L. HAEUSSLER

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23 Attorneys for Plaintiffs Louis and Silvia
24 Martinez
25
26
27
28

CERTIFICATE OF SERVICE

Martinez v. Fidelity, et al.
Case No.: 08-cv-00499-L-WMC

I, the undersigned, state that I am employed in the City and County of San Diego, State of California; that I am over the age of eighteen (18) years and not a party to the within action; that I am employed at Barrack, Rodos & Bacine, One America Plaza, 600 West Broadway, Suite 900, San Diego, California 92101; and that on August 11, 2008, I served true copies of the attached:

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION AND MOTION TO
TRANSFER VENUE**

to the parties listed on the attached Service List by the following means of service:

- ☒ **BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.
- ☒ **BY E-MAIL:** I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- ☐ **BY MAIL:** I placed true copies in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business and there is a regular communication by mail between the place of mailing and the place so addressed.
- ☒ **BY UPS:** I placed a true copy in a sealed envelope and addressed to the parties listed on the attached Service List, on the above-mentioned date. It was deposited with UPS on that same day in the ordinary course of business and there is a regular communication via UPS between the place of mailing and the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of August, 2008.



CINDY ORIHUELA

SERVICE LIST
California Title Insurance

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and UNITED GENERAL TITLE INSURANCE
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INSURANCE COMPANY, TICOR TITLE
INSURANCE COMPANY OF FLORIDA,
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AND SECURITY UNION TITLE INSURANCE
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

LOUIS AND SILVIA MARTINEZ, on)
 behalf of themselves and all other similarly)
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 INSURANCE COMPANY, LAWYERS)
 TITLE INSURANCE CORPORATION,)
 TRANSNATION TITLE INSURANCE)
 COMPANY, STEWART TITLE)
 GUARANTY COMPANY and STEWART)
 TITLE INSURANCE COMPANY)

Defendants.)

Case No.: 08-cv-00499-L-WMC

MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 PLAINTIFFS' UNOPPOSED MOTION TO
 TRANSFER VENUE

SPECIAL BRIEFING SCHEDULE
 ORDERED

ORAL ARGUMENT NOT REQUIRED

1 Plaintiffs, by their attorneys, move this Court, pursuant to 28 U.S.C.A. § 1404(a), for an
2 order transferring this case to the United States District Court for the Northern District of
3 California to be consolidated with *In Re California Title Insurance Antitrust Litigation*, Case
4 No. 08-1341-JSW, currently pending before the Hon. Jeffrey S. White. Defendants do not
5 oppose the transfer sought in the accompanying Unopposed Motion to Transfer Venue. *See*
6 Declaration of John L. Haeussler, Esq. ("Haeussler Decl.") attached hereto.

7 I. INTRODUCTION

8 On March 10, 2008, plaintiff Lynn Barton filed a lawsuit in the Northern District of
9 California alleging a price-fixing conspiracy by defendant title insurers ("Title Insurers"). This
10 was the first filed action in California alleging a price fixing conspiracy by defendants.
11 Subsequently a number of other cases making nearly identical allegations were filed in the
12 Northern, Central and Southern Districts of California, including this action.

13 In addition, over 40 putative class actions were filed in the District Courts throughout
14 the United States alleging price-fixing conspiracies in various states. On March 25, 2008,
15 Plaintiffs in three putative class action cases filed in New York alleging price-fixing by Title
16 Insurers, filed a motion with the Judicial Panel on Multidistrict Litigation (the "Panel")
17 requesting consolidation of all related actions against the defendants that were pending in the
18 various district courts around the country. After briefing and oral argument, the Panel declined
19 to consolidate the cases.¹

20 Subsequent to the Panel's decision not to consolidate, the parties in all the related
21 actions pending in the California Federal Courts have agreed to consolidate all such actions in
22 the Northern District where the first of such actions was filed. Plaintiff in the first filed
23 California action filed an unopposed motion to consolidate similar cases pending in the
24 Northern District of California before the Hon. Jeffrey S. White. On July 24, 2008, Judge
25 White granted the motion and further ordered that related actions pending in the other districts
26 in California, including this action "... be consolidated for all purposes... upon the transfer of

27
28 ¹ The Panel's June 9, 2008 Order Denying Transfer (under § 1407) suggested that "[t]he parties can avail themselves of alternatives to transfer, which may include seeking consolidation

such case[] to this District." *See* Haeussler Decl., Ex. A. Judge White also ordered that the consolidated actions be renamed: *In re California Title Insurance Antitrust Action*. *Id.*

In order to forestall unnecessary expenses and preserve the resources of the parties, in addition to concerns over judicial economy, Plaintiffs in this action waited for the decision of the Panel, and subsequently the determination of the consolidation motion before Judge White, before proceeding with further action in this case and with the instant motion. Given the most recent consolidation order in the Northern District of California, ordering this action to be consolidated with the first filed action in California along with numerous other cases pending in California federal courts upon transfer to the Northern District, and given the desire to preserve the resources of the parties, witnesses, and in the interests of judicial economy, Plaintiffs request that the Court grant this unopposed motion to transfer to the Northern District of California where it will be consolidated with *In Re California Title Insurance Antitrust Litigation*.

II. BACKGROUND

There are currently at least ten related title insurance Sherman Act Section 1 antitrust class-action lawsuits pending in California Federal Courts ("California Actions") - five in the Northern District of California, four in the Central District of California, and one in the Southern District of California. The California Actions all allege that defendant title insurers engaged in anticompetitive conduct in violation of Section 1 of the Sherman Antitrust Act of 1890, 15 U.S.C. § 1. The California Actions present substantially similar, if not identical, factual and legal issues, including:

- Whether the Title Insurers engaged in a combination or conspiracy to raise, maintain, and/or stabilize title insurance premiums in the four years prior to the filing of the complaints (the "Class Period");
- The duration of the conspiracy and the nature and the character of the acts performed by the Title Insurers in furtherance of the Conspiracy during the Class Period;

of actions pending in multiple districts within the same state, to minimize whatever possibilities

- 1 • Whether the Title Insurers' conduct caused injury to the business or property of
- 2 plaintiffs and the putative class members who purchased title insurance in
- 3 California during the Class Period;
- 4 • The appropriate measures of damages sustained by plaintiffs and the putative
- 5 class members who purchased title insurance in California during the Class
- 6 Period; and
- 7 • Whether plaintiffs are entitled to injunctive relief.

8 The California Actions involve the same defendants and name the same co-conspirators.

9 All the California Actions will involve similar issues related to motions to dismiss, class
 10 certification, and summary judgment. Moreover, the same discovery and damage analyses will
 11 be relevant to all California Actions. In the interest of efficiency and judicial economy, the
 12 plaintiffs respectfully request that this Court transfer this action to the Northern District of
 13 California to be consolidated with *In Re California Title Insurance Antitrust Litigation*.

14 **III. TRANSFER OF THIS CASE TO THE NORTHERN DISTRICT OF**
 15 **CALIFORNIA WILL PROMOTE EFFICIENCY AND AVOID**
 16 **UNNECESSARY COST AND DELAY**

17 28 U.S.C.A. § 1404(a) allows this Court to order transfer of actions: "[f]or the
 18 convenience of parties and witnesses, in the interest of justice, a district court may transfer any
 19 civil action to any other district or division where it might have been brought." 28 U.S.C.A. §
 20 1404(a). The power of the Court is limited to those districts where the case "might have been
 21 brought." *See American Standard, Inc. v. Bendix Corp.*, 487 F. Supp. 254, 261 (W.D. Mo.
 22 1980) (citing 1 Moore's Federal Practice P 0.145 (6.-1), l.c. 1636 (2d ed. 1979)). ("A district or
 23 division is one where the action "might have been brought" if, when the action began, (a) the
 24 proposed transferee district court would have had subject matter jurisdiction over the action, (b)
 25 venue would have been proper there, and (c) the defendant would have been amenable to
 26 process issuing out of the transferee district court").

27 Here, this action "might have been brought" in the Northern District of California, as it
 28 makes antitrust claims that affect purchasers of title insurance throughout California and thus

there may be of duplicative discovery and/or inconsistent pretrial rulings."

1 has subject matter jurisdiction that allows it to be brought in any Federal Court in California.
2 When this action began, venue would have been proper in the Northern District of California
3 under Section 12 of the Clayton Anti-Trust Act because the defendant corporations were found
4 and transacted business in the Northern District of California. Finally, when this action began
5 the defendants would have been amenable to process issuing out of the United States District
6 Court of the Northern District of California. Therefore this case "might have been brought" in
7 the Northern District of California.

8 1404(a) allows for the transfer of a case to another forum"[f]or the convenience of
9 parties and witnesses." In fact, "[t]he most important factor in passing on a motion for transfer
10 under § 1404(a) is the convenience of witnesses." *American Standard*, 487 F. Supp. at 262.
11 Transferring this case to the Northern District of California will surely benefit the convenience
12 of the witnesses by allowing witnesses to appear in only one forum. This will avoid harassment
13 of witnesses from inquiries in multiple proceedings. It is also convenient to the parties, as all
14 parties support the transfer of this case to the Northern District of California. *See Haeussler*
15 *Decl.*

16 1404(a) also considers the "interest of justice," a factor that is often interpreted to mean
17 efficient use of judicial resources and avoidance of unnecessary waste and expense. *See*
18 *Smithkline Corp. v. Sterling Drug, Inc.* 406 F. Supp. 52, 55 (D. Del. 1975) ("One of the prime
19 components of the 'interest of justice' is the maintenance of sound judicial
20 administration...Central to efficient and effective judicial administration is a policy, implied in
21 section 1404(a), of proper conservation and utilization of judicial resources"). Here, the
22 transfer and consolidation of this action to the Northern District with the other California
23 Actions as *In Re California Title Insurance Antitrust Litigation* will expedite pretrial
24 proceedings, reduce case duplication, and minimize the expenditure of time and money by all
25 persons concerned. Consolidating this action not only simplifies pretrial and discovery
26 motions, class action issues, and clerical and administrative management duties, but it also
27 reduces the confusion and delay that may result from prosecuting related class-action cases
28 separately. The case involves similar issues related to any motions to dismiss, class

certification, and summary judgment that may be made *In re California Title Insurance Antitrust Litigation*. The same discovery and damage analyses will be relevant to both this case and those cases consolidated before Judge White in *In Re California Title Insurance Antitrust Litigations*. The "interest of justice" is furthered by transferring this case to the Northern District of California.

IV. CONCLUSION

For all the above reasons and in order to promote efficiency and judicial economy, Plaintiffs respectfully request that the Court grant the unopposed motion to transfer this action to the Northern District of California to be consolidated with *In Re California Title Insurance Antitrust Litigation* before the Hon. Jeffrey White.

DATED: August 11, 2008

Respectfully submitted,

BARRACK, RODOS & BACINE
STEPHEN R. BASSER
JOHN L. HAEUSSLER

/s/ John L. Haeussler
JOHN L. HAEUSSLER

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Attorneys for Plaintiffs Louis and Silvia
Martinez

1 **CERTIFICATE OF SERVICE**

2 *Martinez v. Fidelity, et al.*
 3 Case No.: 08-cv-00499-L-WMC

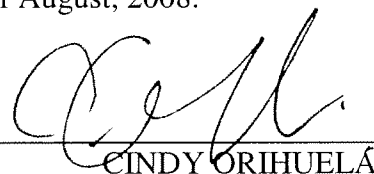
4 I, the undersigned, state that I am employed in the City and County of San Diego, State
 5 of California; that I am over the age of eighteen (18) years and not a party to the within action;
 6 that I am employed at Barrack, Rodos & Bacine, One America Plaza, 600 West Broadway,
 Suite 900, San Diego, California 92101; and that on August 11, 2008, I served true copies of the
 attached:

7 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
 8 **PLAINTIFFS' UNOPPOSED MOTION TO TRANSFER VENUE**

9 to the parties listed on the attached Service List by the following means of service:

- 10 ☒ **BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the
 CM/ECF system.
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 communication via UPS between the place of mailing and the place so addressed.

20 I declare under penalty of perjury under the laws of the State of California that the
 21 foregoing is true and correct. Executed this 11th day of August, 2008.

22 
 23 CINDY ORIHUELA

SERVICE LIST
California Title Insurance

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AMERICAN TITLE INSURANCE COMPANY,
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behalf of themselves and all other similarly
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Plaintiffs,

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FINANCIAL GROUP, INC.,
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INSURANCE COMPANY, LAWYERS
TITLE INSURANCE CORPORATION,
TRANSNATION TITLE INSURANCE
COMPANY, STEWART TITLE
GUARANTY COMPANY and STEWART
TITLE INSURANCE COMPANY

Defendants.

Case No.: 08-cv-00499-L-WMC

DECLARATION OF JOHN L.
HAEUSSLER IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION TO
TRANSFER VENUE

SPECIAL BRIEFING SCHEDULE
ORDERED

ORAL ARGUMENT NOT REQUIRED

1 I, John L. Haeussler, declare as follows:

2 1. I am an attorney duly licensed by the State of California and am admitted to
3 practice before this Court. I am an associate of Barrack, Rodos & Bacine, attorneys of record for
4 plaintiffs Louis and Silvia Martinez. I make this declaration pursuant to 28 U.S.C. §1746. The
5 matters set forth herein are within my personal knowledge, and if called and sworn as a witness
6 I could competently testify regarding them.

7 2. I have spoken to and have had email communications with attorneys of
8 Greenberg Traurig, LLP, who have represented they are authorized to speak for all defendants
9 regarding their non-opposition to the accompanying motion to transfer and that defendants do
10 not oppose transfer of this action to the Northern District of California as sought in the
11 accompanying transfer Motion.

12 3. Attached hereto as Exhibit A is the order by Judge White consolidating this
13 action with *In Re California Title Insurance Antitrust Litigation*, Case No. 08-1341-JSW, upon
14 transfer to the Northern District of California.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed this 11th day of August, 2008, at San Diego, California.

17

18

19

By: /s/ John L. Haeussler
JOHN L. HAEUSSLER

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28

EXHIBIT A

Case 3:08-cv-01341-JSW Document 30 Filed 07/24/2008 Page 1 of 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LYNN BARTON, On Behalf of Herself and all
Others Similarly Situated,

Plaintiff,

No. 08-cv-1341 JSW
No. 08-cv-1374 JSW
No. 08-cv-1928 MEJ
No. 08-cv-3391 JSW

v.

FIDELITY NATIONAL FINANCIAL, INC.,
FIDELITY NATIONAL TITLE INSURANCE
COMPANY, TICOR TITLE INSURANCE
COMPANY, TICOR TITLE INSURANCE
COMPANY OF FLORIDA, CHICAGO TITLE
INSURANCE COMPANY, NATIONAL TITLE
INSURANCE OF NEW YORK, INC.,
SECURITY UNION TITLE INSURANCE
COMPANY, THE FIRST AMERICAN
CORPORATION, FIRST AMERICAN TITLE
INSURANCE COMPANY, UNITED
GENERAL TITLE INSURANCE COMPANY,
LANDAMERICA FINANCIAL GROUP, INC.,
COMMONWEALTH LAND TITLE
INSURANCE COMPANY, LAWYERS TITLE
INSURANCE CORPORATION,
TRANSNATION TITLE INSURANCE
COMPANY, STEWART TITLE GUARANTY
COMPANY and STEWART TITLE
INSURANCE COMPANY,

Defendants.

**~~PROPOSED~~ ORDER GRANTING
UNOPPOSED MOTION TO
CONSOLIDATE RELATED
ACTIONS FOR ALL PURPOSES**

ACTION FILED: March 10, 2008

Case 3:08-cv-01341-JSW Document 30 Filed 07/24/2008 Page 2 of 4

The Court, having considered the papers filed in support of the motion by the parties in the above-captioned cases to consolidate these actions, and, for good cause shown, hereby enters the following Order:

1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the following related actions are to be consolidated for all purposes, including, but not limited to, discovery and all pretrial and trial proceedings:

ABBREVIATED CASE NAME	CASE NO.	DATE FILED
<i>Barton v. Fidelity National Financial, Inc. et al.</i>	08-1341-JSW	03/10/08
<i>Gentilcore v. Fidelity National Financial, Inc. et al.</i>	08-1374-JSW	03/11/08
<i>Blackwell v. Fidelity National Financial, Inc. et al.</i>	08-1928-MEJ	4/11/08
<i>Romero v. Fidelity National Financial, Inc. et al.</i>	08-3391-JSW	7/14/08

2. A Master Docket and a Master File are hereby established for the consolidated actions.

3. The following actions, now pending in other districts within California shall be consolidated for all purposes, including, but not limited to, discovery and all pretrial and trial proceedings, upon the transfer of such cases to this District:

ABBREVIATED CASE NAME	CASE NO.	DATE FILED
<i>Martinez v. Fidelity National Financial, Inc. et al.</i>	08-0499-MJL (S.D. Cal.)	03/18/08
<i>Davis v. Fidelity National Financial, Inc. et al.</i>	08-1897-DSF (C.D. Cal.)	03/20/08
<i>Kothari v. Fidelity National Financial, Inc. et al.</i>	08-0440-DSF (C.D. Cal.)	4/23/08
<i>Magana v. Fidelity National Financial, Inc. et al.</i>	08-0591-DSF (C.D. Cal.)	5/28/08
<i>Moynahan v. Fidelity National Financial, Inc. et al.</i>	08-0620-AHS (C.D. Cal.)	6/04/08

Case 3:08-cv-01341-JSW Document 30 Filed 07/24/2008 Page 3 of 4

4. The consolidated actions shall be identified as *In re California Title Insurance Antitrust Litigation*, Civil Action No. 08-CV-1341-JSW. Any other actions now pending or later filed in or transferred into this District that arise out of the same facts and claims alleged in the related actions shall be consolidated for all purposes, if and when they are brought to the Court's attention.

5. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

In re CALIFORNIA TITLE INSURANCE ANTITRUST LITIGATION	File No: 08-CV-1341-JSW
THIS DOCUMENT RELATES TO:	<u>CLASS ACTION</u>

6. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above.

7. When a pleading is intended to be applicable only to some, but not all, of the consolidated actions, the Court's docket number for each individual action to which the pleading is intended to be applicable and the last name of the first-named plaintiff in the action shall appear immediately after the words "This Document Relates To:" in the caption set out above.

8. When a document is filed and the caption shows that it is to be applicable to less than all of the consolidated actions, the clerk shall file the document in the Master File, and shall note the filing in both the Master Docket and the docket of each applicable action.

9. When a case related to the subject matter of the consolidated actions is filed in this Court or transferred to this Court from another court, the clerk of this Court shall:

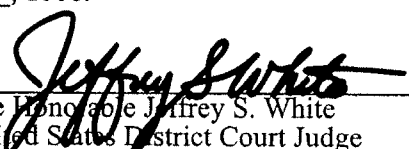
- a. Place a copy of this Order in the separate file for such action, after notification to counsel, who shall mail to the attorneys for the plaintiffs in the newly-filed or transferred case a copy of this Order and direct that this

1 Order be served upon or mailed to any new defendants in the newly-filed or
2 transferred case; and

- 3 b. Make an appropriate entry on the Master Docket. This Court requests the
4 assistance of counsel in calling the attention of the clerk of this Court to the
5 filing or transfer of any new case which may properly be consolidated as
6 part of *In re California Title Insurance Antitrust Litigation*.

7 10. California Plaintiffs shall file a Consolidated Complaint within thirty (30) days of
8 the later of appointment of Interim Class Counsel or receipt in this District of the last case set forth
9 as related in this litigation. Defendants' answer or other responsive pleadings are due forty-five
10 (45) days following the filing of the Consolidated Complaint. The deadline set forth in this Court's
11 Initial Scheduling Order for the Rule 26(f) conference is extended until ten (10) days following the
12 filing of Defendants' Answers, or in the event Defendants file motions to dismiss, 10 days after the
13 Court's ruling on those motions, with corresponding extensions of the additional deadlines set forth
14 in the Initial Scheduling Order.

15 ORDERED this 24th day of July, 2008.

16
17 
18 The Honorable Jeffrey S. White
United States District Court Judge

19 DATE: July 23, 2008

20 Submitted by:

21 HAGENS BERMAN SOBOL SHAPIRO LLP

22 By /s/ Reed R. Kathrein
23 REED R. KATHREIN

24 Jeff D. Friedman (173886)
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26 Berkeley, CA 94710
27 Telephone: (510) 725-3000
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28 Attorneys for Plaintiffs Barton and Gentilcore

1 **CERTIFICATE OF SERVICE**

2 *Martinez v. Fidelity, et al.*
 3 Case No.: 08-cv-00499-L-WMC

4 I, the undersigned, state that I am employed in the City and County of San Diego, State
 5 of California; that I am over the age of eighteen (18) years and not a party to the within action;
 6 that I am employed at Barrack, Rodos & Bacine, One America Plaza, 600 West Broadway,
 Suite 900, San Diego, California 92101; and that on August 11, 2008, I served true copies of the
 attached:

7 **DECLARATION OF JOHN L. HAEUSSLER IN SUPPORT OF**
 8 **PLAINTIFFS' UNOPPOSED MOTION TO TRANSFER VENUE**

9 to the parties listed on the attached Service List by the following means of service:

- 10 ☒ **BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the
 CM/ECF system.
- 11 ☒ **BY E-MAIL:** I e-mailed a true copy addressed as indicated in the attached Service List,
 12 on the above-mentioned date.
- 13 ☐ **BY MAIL:** I placed true copies in a sealed envelope with postage thereon fully
 14 prepaid and addressed to the parties listed on the attached Service List, on the above-
 15 mentioned date. I am familiar with the firm's practice of collection and processing
 16 correspondence for mailing. It is deposited with the U.S. Postal Service on that same
 day in the ordinary course of business and there is a regular communication by mail
 between the place of mailing and the place so addressed.
- 17 ☒ **BY UPS:** I placed a true copy in a sealed envelope and addressed to the parties
 18 listed on the attached Service List, on the above-mentioned date. It was deposited with
 19 UPS on that same day in the ordinary course of business and there is a regular
 communication via UPS between the place of mailing and the place so addressed.

20 I declare under penalty of perjury under the laws of the State of California that the
 21 foregoing is true and correct. Executed this 11th day of August, 2008.

22 
 23 _____
 24 CINDY ORIHUELA

SERVICE LIST
California Title Insurance

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